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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 September 2010*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-40* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Detailed Action

This office action is in response to the correspondence received on September 23,

2010.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3, 6-7, 11-21, 23-26 and 28-40 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Killian (US Patent No: 6,163,316) in view of Klosterman et al

(US Patent No: 5,940,073), hereafter referred to as Killian and Klosterman,

respectively.

1. With regards to claim 1, Killian teaches through Klosterman, a method of

    programming a media-based device over a network, the method comprising:

    displaying an advertisement for a broadcast program to be provided on a first

    web site (column 5, lines 10-29, Killian), wherein the broadcast program is

    scheduled to be broadcast at a predetermined start time (column 8, lines 19-26,

    Killian); processing selection of the advertisement; and in response to selection

    of the advertisement, automatically remotely programming (see Klosterman

    below) the media-based device from a different physical location to record the

broadcast program at the predetermined start time (Killian teaches how a website

interface allows a user to select to record a show on a recorder at the

predetermined start time; column 5, line 51 – column 6, line 5 and column 8, lines

19-26, Killian. Furthermore, Killian's recording device (element 20, Figure 1) is

separate from the database server and the television; see at least Figure 1,

Killian. Hence they are not within one device/component nor are they located at

the same exact location. They are all remote from one another).

While Killian does teach the scheduling of the recording of a show through a

web interface, Killian does not explicitly cite the selection of an advertisement to

start the scheduling of the recording of the programming. In the same field of

endeavor, Klosterman also teaches an interactive program guide. Klosterman's

design allows for schedule information to be viewed through a computer; see

column 1, lines 55-62, Klosterman. While viewing through the computer, the

user is allowed to click on an advertisement which allows for the remote (the

recording device can be separate from the computer) automatic scheduling of the

recording of the infomercial/program; see column 2, lines 14-17 and column 4,

lines 24-60, Klosterman. By selecting the advertisement for scheduling a

recording, the user streamlines the scheduling process by eliminating the need

for selecting the desired program to record. Therefore, it would have been

obvious to one skilled in the art, during the time of the invention, to have

combined the teachings of Killian with those of Klosterman, to allow for the

scheduling of the desired program by clicking on an advertisement; see column

2, lines 14-17, Klosterman.

2. With regards to claim 2, Killian teaches through Klosterman, the method wherein

the advertisement comprises a hyperlink to a second web site capable of

accessing the media-based device, the hyperlink being embedded in the first

web site (Killian teaches how a link leads a viewer to a second site; column 5,

lines 19-21, Killian. The show can be recorded from the webpage; column 5, line

51 – column 6, line 5, Killian. Plus, Klosterman teaches how a user is allowed to

click on an advertisement which allows for the scheduling of the recording of the

infomercial/program; see column 2, lines 14-17, Klosterman).

3. With regards to claim 3, Killian teaches through Klosterman, the method, wherein

processing selection of the advertisement and allowing automatic programming

of the media-based device are invoked by one click on the hyperlink (Killian

allows for various input devices, including a mouse and touch screen and

teaches the use of hyperlinks; column 4, lines 47-50 and column 5, lines 10-29,

Killian. Plus, Klosterman teaches how a user is allowed to click on an

advertisement which allows for the scheduling of the recording of the

infomercial/program; see column 2, lines 14-17, Klosterman).

4. With regards to claim 6, Killian teaches through Klosterman, the method, wherein the media-based device comprises a video replay system (element 20, Figure 1, Killian).

5. With regards to claim 7, Killian teaches through Klosterman, the method, wherein processing selection of the advertisement comprises: identifying a user selecting the advertisement; and authenticating the user with the media-based device (Killian's design tracks users through viewer profiles; column 10, lines 1-17, Killian. Plus, Klosterman's design allows for users to authorize payment of a program (authentication of user) to ensure the proper content is sent to the proper recipient; see column 2, lines 50-60, Klosterman).

6. With regards to claim 11, Killian teaches through Klosterman, the method, wherein identifying a user selecting the advertisement comprises: enabling linking of the first web site to a second web site; allowing navigation to the second web site; and in response, the second web site enabling prompting of a user for identification data (column 10, lines 40-44, Killian).

7. With regards to claim 12, Killian teaches through Klosterman, the method, wherein identifying a user selecting the advertisement comprises: enabling determination of a URL for the first web site; and enabling determination of partner identification information associated with the first web site (Killian's

design allows for hyperlinks; column 10, lines 40-44, Killian. It is inherent that

when a link is clicked, it will redirect/open a new site/data).

8. With regards to claim 13, Killian teaches through Klosterman, the method,

wherein automatic programming of the media-based device to record the

broadcast program comprises: enabling determination of a user associated with

the media-based device; allowing navigation from the first web site to a second

web site; and allowing the user to log into the second web site (Killian's design

tracks users through viewer profiles; column 10, lines 1-17, Killian).

9. With regards to claim 14, Killian teaches through Klosterman, the method,

wherein the advertisement comprises a clickable online advertisement for a

broadcast program to be aired (Killian teaches how a website interface allows a

user to select to record a show on a recorder at the predetermined start time;

column 5, line 51 – column 6, line 5 and column 8, lines 19-26, Killian. Plus

Klosterman teaches clickable advertisements for recording programs; see

column 2, lines 14-17, Klosterman).

10. With regards to claim 15, Killian teaches through Klosterman, the method, where

broadcast program comprises a television program (column 3, line 59 – column

4, line 19, Killian).

11. With regards to claim 16, Killian teaches through Klosterman, the method, where

broadcast program comprises a cable program (column 3, line 53 – column 4,

line 19, Killian).

12. With regards to claim 17, Killian teaches through Klosterman, the method, where

broadcast program comprises a pay-per-view program (column 3, line 59 –

column 4, line 19, Killian).

13. With regards to claim 18, Killian teaches through Klosterman, the method, where

broadcast program comprises a satellite-based program (column 3, line 53 –

column 4, line 19, Killian).

14. With regards to claim 19, Killian teaches through Klosterman, a method of

programming a media-based device to record content through a web based

application, comprising: receiving a selection of an advertisement of a broadcast

program to be aired at a predetermined start time (column 8, lines 5-26, Killian);

extracting identification information associated with a user making the selection

and with broadcast program (column 8, lines 5-26, Killian); accessing a source

web service in response to the user selection received (column 8, lines 5-26 and

Figure 1, Killian); logging into the source web service using the identification

information (equivalent to viewer profiles; see column 9, lines 10-25 and column

10, lines 1-17, Killian); and the source web service remotely programming the

media-based device at a remote location from the user making the selection to

record the broadcast program selected at the predetermined start time (See at

least column 8, lines 19-26, Killian. Furthermore, Killian's recording device

(element 20, Figure 1) is separate from the database server and the television;

see at least Figure 1, Killian. Hence they are not within one device/component

nor are they located at the same exact location. They are all remote from one

another).

While Killian does teach the scheduling of the recording of a show through a

web interface, Killian does not explicitly cite the selection of an advertisement to

start the scheduling of the recording of the programming. In the same field of

endeavor, Klosterman also teaches an interactive program guide. Klosterman's

design allows for schedule information to be viewed through a computer; see

column 1, lines 55-62, Klosterman. While viewing through the computer, the

user is allowed to click on an advertisement which allows for the scheduling of

the recording of the infomercial/program; see column 2, lines 14-17, Klosterman.

By selecting the advertisement for scheduling a recording, the user streamlines

the scheduling process by eliminating the need for selecting the desired program

to record. Therefore, it would have been obvious to one skilled in the art, during

the time of the invention, to have combined the teachings of Killian with those of

Klosterman, to allow for the scheduling of the desired program by clicking on an

advertisement; see column 2, lines 14-17, Klosterman.

15. With regards to claims 20, 25 and 30, Killian teaches through Klosterman, a

method, wherein the media-based device records the broadcast program with

one click from the user of the advertisement (Killian allows for various input

devices, including a mouse and touch screen and teaches the use of hyperlinks;

column 4, lines 47-50 and column 5, lines 10-29, Killian. Plus, Klosterman

teaches how users can click on an advertisement to schedule the recording of a

program; see column 2, lines 14-17, Klosterman).

16. With regards to claims 21, 26 and 39, Killian teaches through Klosterman, a

method, wherein the advertisement comprises a clickable online advertisement

for a broadcast program (Killian allows for various input devices, including a

mouse and touch screen and teaches the use of hyperlinks; column 4, lines 47-

50 and column 5, lines 10-29, Killian. Plus, Klosterman teaches how users can

click on an advertisement to schedule the recording of a program; see column 2,

lines 14-17, Klosterman).

17. With regards to claims 23, 28, 32, 34, 36 and 38, Killian teaches through

Klosterman, a method, wherein the media-based device comprises a digital video

recorder (column 3, lines 10-12, Killian).

18. With regards to claim 24, Killian teaches through Klosterman, a

computer-implemented method for controlling a media-based device through a

virtual browser, the method comprising; the steps of the virtual browser:

receiving from a client system a selection of an advertisement of a broadcast

program to be aired (column 8, lines 5-26, Killian); extracting identification

information associated with a user making the selection and with the broadcast

program (column 8, lines 5-26, Killian); accessing an online web service using

the identification information (equivalent to viewer profiles; see column 9, lines

10-25 and column 10, lines 1-17, Killian); and invoking the media-based device

to record the broadcast program selected (column 8, lines 19-26, Killian),

wherein the media-based device is remotely located at a different physical

location from the client system (Killian's recording device (element 20, Figure 1)

is separate from the database server and the television; see at least Figure 1,

Killian. Hence they are not within one device/component nor are they located at

the same exact location. They are all remote from one another).

While Killian does teach the scheduling of the recording of a show through a

web interface, Killian does not explicitly cite the selection of an advertisement to

start the scheduling of the recording of the programming. In the same field of

endeavor, Klosterman also teaches an interactive program guide. Klosterman's

design allows for schedule information to be viewed through a computer; see

column 1, lines 55-62, Klosterman. While viewing through the computer, the

user is allowed to click on an advertisement which allows for the scheduling of

the recording of the infomercial/program; see column 2, lines 14-17, Klosterman.

By selecting the advertisement for scheduling a recording, the user streamlines

the scheduling process by eliminating the need for selecting the desired program

to record. Therefore, it would have been obvious to one skilled in the art, during

the time of the invention, to have combined the teachings of Killian with those of

Klosterman, to allow for the scheduling of the desired program by clicking on an

advertisement; see column 2, lines 14-17, Klosterman.

19. With regards to claim 29, Killian teaches through Klosterman, method for

programming a media-based device that is network enabled, comprising:

receiving from a client system a user command that causes a first server to

access a second server, the first server transmitting identifying information of the

user to the second server (Figure 1, elements 46 and 48, Killian); the second

server authenticating the user based on the identifying information (see viewer

profiles; see column 9, lines 10-25 and column 10, lines 1-17, Killian); the second

server remotely accessing the media-based device over a network to program

the media-based device (see Klosterman below) with the identifying information

(column 8, lines 19-26, Killian), wherein the media-based device is at a different

physical location from the client system (Killian's recording device (element 20,

Figure 1) is separate from the database server and the television; see at least

Figure 1, Killian. Hence they are not within one device/component nor are they

located at the same exact location. They are all remote from one another)

    While Killian does teach the scheduling of the recording of a show through a

web interface, Killian does not explicitly cite the authenticating of the user based

on identifying information. In the same field of endeavor, Klosterman also

teaches an interactive program guide. Klosterman's design allows for schedule

information to be viewed through a computer; see column 1, lines 55-62,

Klosterman. The recording device can be separate from the computer within

Klosterman's design as well; see column 4, lines 24-60, Klosterman. When the

user wishes a program to be schedule for recording, the user is authenticated by

authorizing payment; see column 2, lines 50-60, Klosterman. By authenticating

users, the system ensures that the appropriate content is sent to the appropriate

users. Therefore, it would have been obvious to one skilled in the art, during the

time of the invention, to have combined the teachings of Killian with those of

Klosterman, to allow for the scheduling of the desired program by authorizing

payments; see column 2, lines 50-60, Klosterman.

20. With regards to claim 31, Killian teaches through Klosterman, the method,

wherein the advertisement identifies a broadcast program to be aired, and the

identifying; information comprises data related to the broadcast program (column

8, lines 19-26, Killian)

21. With regards to claim 33, Killian teaches through Klosterman, a system,

comprising: a client side system remotely located at a different location than a

media-based device (Killian's recording device (element 20, Figure 1) is separate

from the database server and the television; see at least Figure 1, Killian. Hence

they are not within one device/component nor are they located at the same exact

location. They are all remote from one another); the client side system enabled

to allow selection of an online advertisement for a broadcast program while

navigating a first web site, wherein the broadcast program is scheduled to be

broadcast at a predetermined start time (column 8, lines 5-26, Killian); and a

server side system enabled to automatically program (see Klosterman below) a

media-based device to record the broadcast program after selection of the online

advertisement (column 8, lines 5-26 and Figure 1, Killian), the media-based

device being communicatively coupled to the server side system over a network

in response to the advertisement being selected (Furthermore, Killian's recording

device (element 20, Figure 1) is separate from the database server and the

television; see at least Figure 1, Killian. Hence they are not within one

device/component nor are they located at the same exact location. They are all

remote from one another)

    While Killian does teach the scheduling of the recording of a show through a

web interface, Killian does not explicitly cite the selection of an advertisement to

start the scheduling of the recording of the programming. In the same field of

endeavor, Klosterman also teaches an interactive program guide. Klosterman's

design allows for schedule information to be viewed through a computer; see

column 1, lines 55-62, Klosterman. While viewing through the computer, the

user is allowed to click on an advertisement which allows for the automatic

scheduling of the remote recording of the infomercial/program; see column 2,

lines 14-17 and column 4, lines 24-60, Klosterman. By selecting the

advertisement for scheduling a recording, the user streamlines the scheduling

process by eliminating the need for selecting the desired program to record.

Therefore, it would have been obvious to one skilled in the art, during the time of

the invention, to have combined the teachings of Killian with those of Klosterman,

to allow for the scheduling of the desired program by clicking on an

advertisement; see column 2, lines 14-17, Klosterman.

22. With regards to claim 35, Killian teaches through Klosterman, a browser program

product for programming a media-based device over a network, the browser

program product stored on a computer readable medium and adapted to perform

the operations of: displaying an advertisement for a broadcast program to be

provided on a first web site (column 5, lines 10-29, Killian), wherein the broadcast

program is scheduled to be broadcast at a predetermined start time (column 8,

lines 19-26, Killian); providing selection of the advertisement (column 5, line 51 –

column 6, line 5, Killian); and in response, automatically remotely programming

the media-based device at a different physical location to record (see Klosterman

below) the broadcast program after selection of the advertisement (Killian

teaches how a website interface allows a user to select to record a show on a

recorder at the predetermined start time; column 5, line 51 – column 6, line 5 and

column 8, lines 19-26, Killian. Furthermore, Killian's recording device (element

20, Figure 1) is separate from the database server and the television; see at least

Figure 1, Killian. Hence they are not within one device/component nor are they located at the same exact location. They are all remote from one another).

While Killian does teach the scheduling of the recording of a show through a web interface, Killian does not explicitly cite the selection of an advertisement to start the scheduling of the recording of the programming. In the same field of endeavor, Klosterman also teaches an interactive program guide. Klosterman's design allows for schedule information to be viewed through a computer; see column 1, lines 55-62, Klosterman. While viewing through the computer, the user is allowed to click on an advertisement which allows for the automatic scheduling of the recording of the infomercial/program on a separate recording device; see column 2, lines 14-17 and column 4, lines 24-60, Klosterman. By selecting the advertisement for scheduling a recording, the user streamlines the scheduling process by eliminating the need for selecting the desired program to record. Therefore, it would have been obvious to one skilled in the art, during the time of the invention, to have combined the teachings of Killian with those of Klosterman, to allow for the scheduling of the desired program by clicking on an advertisement; see column 2, lines 14-17, Klosterman.

23. With regards to claim 37, Killian teaches through Klosterman, a computer server program product for remotely programming a media-based device over a network, the computer server program product stored on a computer readable medium, and adapted to perform the operations of a virtual browser, comprising:

receiving a selection of an advertisement of a broadcast program to be aired at a

predetermined start time (column 8, lines 5-26, Killian); extracting identification

information associated with a user making the selection and with broadcast

program (see column 9, lines 10-25 and column 8, lines 5-26, Killian); accessing

an online web service using the identification information (equivalent to viewer

profile; column 10, lines 1-17, Killian); and invoking the remotely located

media-based device at a different physical location from the user (Killian's

recording device (element 20, Figure 1) is separate from the database server and

the television; see at least Figure 1, Killian. Hence they are not within one

device/component nor are they located at the same exact location. They are all

remote from one another) to record the broadcast program selected at the

predetermined start time (column 8, lines 19-26, Killian).

While Killian does teach the scheduling of the recording of a show through a

web interface, Killian does not explicitly cite the selection of an advertisement to

start the scheduling of the recording of the programming. In the same field of

endeavor, Klosterman also teaches an interactive program guide. Klosterman's

design allows for schedule information to be viewed through a computer; see

column 1, lines 55-62, Klosterman. While viewing through the computer, the

user is allowed to click on an advertisement which allows for the scheduling of

the recording of the infomercial/program; see column 2, lines 14-17, Klosterman.

By selecting the advertisement for scheduling a recording, the user streamlines

the scheduling process by eliminating the need for selecting the desired program

to record. Therefore, it would have been obvious to one skilled in the art, during

the time of the invention, to have combined the teachings of Killian with those of

Klosterman, to allow for the scheduling of the desired program by clicking on an

advertisement; see column 2, lines 14-17, Klosterman.

24. With regards to claim 40, Killian teaches through Klosterman, the method

wherein allowing automatic programming of the media-based device to record

the broadcast program, further comprises: allowing detection of whether the user

selected the advertisement previously; and in response to the user previously not

selecting the advertisement, enabling the second web site to communicate with

the media-based device to record the broadcast program (It is inherent that when

a page is not cached, it will retrieve the page associated with the link).

25. The obviousness motivation applied to independent claims 1, 19, 24, 29, 33, 35

and 37 are applicable to their respective dependent claims.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 4-5, 8-10, 22 and 27 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Killian (US Pat No: US006163316A) in view of Klosterman et al (US

Patent No: 5,940,073) and in further view of Slotznick (US Patent No: 6,011,537),

hereafter referred to as Killian, Klosterman and Slotznick, respectively.

26. With regards to claim 4, Killian teaches through Klosterman and Slotznick, the

method, further comprising: allowing the second website to monitor a count of a

number of times the hyperlink is selected; and enabling the second website to

periodically collect revenue from the first website based on the count

While Killian and Klosterman tech an interactive program guide, neither

explicitly teach the counting of a link selection to collect revenue. In the same

field of endeavor, Slotznick also teaches a system for presenting information on

devices, including interactive televisions; see column 7, lines 36-37 and 49,

Slotznick. Within Slotznick design, it is taught how the clicking of a hyper-link on

a website can be counted. This form of advertisement helps collect a

fee/revenue; see column 15, lines 37-52, Slotznick. The counting of selected

links to earn revenue helps to fund the cost of the service. Therefore it would

have been obvious, to one skilled in the art, during the time of the invention, to

have combined the teachings of Slotznick with those of Killian and Klosterman, to

earn revenue for the service; see column 6, lines 54-57, Klosterman.

27. With regards to claim 5, Killian teaches through Klosterman and Slotznick, the

method, wherein the revenue comprises a percentage of advertising revenue

associated with the advertisement *(see column 6, lines 54-57, Klosterman and*

column 15, lines 48-51, Slotznick).

While Killian and Klosterman tech an interactive program guide, neither

explicitly teach the counting of a link selection to collect revenue. In the same

field of endeavor, Slotznick also teaches a system for presenting information on

devices, including interactive televisions; see column 7, lines 36-37 and 49,

Slotznick. Within Slotznick design, it is taught how the clicking of a hyper-link on

a website can be counted. This form of advertisement helps collect a

fee/revenue; see column 15, lines 37-52, Slotznick. The counting of selected

links to earn revenue helps to fund the cost of the service. Therefore it would

have been obvious, to one skilled in the art, during the time of the invention, to

have combined the teachings of Slotznick with those of Killian and Klosterman, to

earn revenue for the service; see column 6, lines 54-57, Klosterman.

28. With regards to claim 8, Killian teaches through Klosterman and Slotznick, the

method, identifying a user selecting the advertisement comprises: allowing

identification of a cookie associated with the user; and enabling the cookie to be

forwarded to the media-based device *(see column 15, lines 37-47 and column*

15, line 66 – column 16, line 8, Slotznick).

While Killian and Klosterman tech an interactive program guide, neither

explicitly teach the use of cookies. In the same field of endeavor, Slotznick also

teaches a system for presenting information on devices, including interactive

televisions; see column 7, lines 36-37 and 49, Slotznick. Within Slotznick design,

it is taught how the clicking of a hyper-link on a website can be counted. This

form of advertisement helps collect a fee/revenue; see column 15, lines 37-52,

Slotznick. The information pertaining to the user regarding the advertisement is

managed through the use of cookies; see column 15, lines 37-47 and column 15,

line 16 - column 16, line 8, Slotznick. The counting of selected links and using

the information pertaining to the selection maintained within the cookies help to

earn revenue helps to fund the cost of the service. Therefore it would have been

obvious, to one skilled in the art, during the time of the invention, to have

combined the teachings of Slotznick with those of Killian and Klosterman, to earn

revenue for the service; see column 6, lines 54-57, Klosterman.

29. With regards to claim 9, Killian teaches through Klosterman and Slotznick, the

method, wherein the cookie is extracted from a client enabled to communicate

with the first website *(see column 15, lines 37-47 and column 15, line 66 –*

column 16, line 8, Slotznick).

While Killian and Klosterman tech an interactive program guide, neither

explicitly teach the use of cookies. In the same field of endeavor, Slotznick also

teaches a system for presenting information on devices, including interactive

televisions; see column 7, lines 36-37 and 49, Slotznick. Within Slotznick design,

it is taught how the clicking of a hyper-link on a website can be counted. This

form of advertisement helps collect a fee/revenue; see column 15, lines 37-52,

Slotznick. The information pertaining to the user regarding the advertisement is

managed through the use of cookies; see column 15, lines 37-47 and column 15,

line 16 - column 16, line 8, Slotznick. The counting of selected links and using

the information pertaining to the selection maintained within the cookies help to

earn revenue helps to fund the cost of the service. Therefore it would have been

obvious, to one skilled in the art, during the time of the invention, to have

combined the teachings of Slotznick with those of Killian and Klosterman, to earn

revenue for the service; see column 6, lines 54-57, Klosterman.

30. With regards to claim 10, Killian teaches through Klosterman and Slotznick, the

method, wherein the cookie is extracted from a computer hosting the first website

(see column 15, lines 37-47 and column 15, line 66 – column 16, line 8,

Slotznick).

While Killian and Klosterman tech an interactive program guide, neither

explicitly teach the use of cookies. In the same field of endeavor, Slotznick also

teaches a system for presenting information on devices, including interactive

televisions; see column 7, lines 36-37 and 49, Slotznick. Within Slotznick design,

it is taught how the clicking of a hyper-link on a website can be counted. This

form of advertisement helps collect a fee/revenue; see column 15, lines 37-52,

Slotznick. The information pertaining to the user regarding the advertisement is managed through the use of cookies; see column 15, lines 37-47 and column 15, line 16 - column 16, line 8, Slotznick. The counting of selected links and using the information pertaining to the selection maintained within the cookies help to earn revenue helps to fund the cost of the service. Therefore it would have been obvious, to one skilled in the art, during the time of the invention, to have combined the teachings of Slotznick with those of Killian and Klosterman, to earn revenue for the service; see column 6, lines 54-57, Klosterman.

31. With regards to claims 22 and 27, Killian teaches through Klosterman and Slotznick, a method, further comprising: collecting revenue based on the advertisement selected *(see column 15, lines 37-52, Slotzman).*

While Killian and Klosterman tech an interactive program guide, neither explicitly teach the use of cookies. In the same field of endeavor, Slotznick also teaches a system for presenting information on devices, including interactive televisions; see column 7, lines 36-37 and 49, Slotznick. Within Slotznick design, it is taught how the clicking of a hyper-link on a website can be counted. This form of advertisement helps collect a fee/revenue; see column 15, lines 37-52, Slotznick. The information pertaining to the user regarding the advertisement is managed through the use of cookies; see column 15, lines 37-47 and column 15, line 16 - column 16, line 8, Slotznick. The counting of selected links and using the information pertaining to the selection maintained within the cookies help to

earn revenue helps to fund the cost of the service. Therefore it would have been

obvious, to one skilled in the art, during the time of the invention, to have

combined the teachings of Slotznick with those of Killian and Klosterman, to earn

revenue for the service; see column 6, lines 54-57, Klosterman.

Remarks

Applicant's arguments received on September 23, 2010 have been considered

but are not deemed fully persuasive. The following are the examiner's response to the

applicant's arguments.

First, in lieu of the arguments, claim amendments and after reevaluation of the

claim language, the 101 rejection previously issued has been withdrawn. The method

claims were found to require essential structure in order to exist. The product claims

have been found to contain sufficient structure within the body of the claim.

The second point of contention addressed by the applicant concerns the claim

feature of a user remotely enabling recording from a different physical location than the

recording device. The applicant contends that neither prior art teaches such a feature,

the examiner respectfully disagrees. The language "programming from a remote

location" and "a different physical location" does not necessarily mean that the Web or a

computer network is entailed. For instance, while a television's remote control is remote

from the television, it is not necessarily in a different room or even that far away. A

remote control can merely be a foot away from the television. In other words, the

claimed language of "remote location" and "a different physical location" is not finite in

scope. Killian's recording device (element 20, Figure 1) is separate from the database

server and the television; see at least Figure 1, Killian. Hence they are not within one

device/component nor are they located at the same exact location. They are all remote

from one another.

The third point of contention addressed by the applicant alleges that neither of

the prior art teaches the user remotely enabling recording from a different physical

location. The examiner respectfully disagrees with this allegation. First of all, as

explained above, the language "remote" and "different physical location" is note finite in

scope. Remote could mean a another room, a another country or just another 5 inches

away. Killian's recording device (element 20, Figure 1) is separate from the database

server and the television; see at least Figure 1, Killian. Hence they are not within one

device/component nor are they located at the same exact location. They are all remote

from one another. Second, even for the claims that teach the programming through a

web/network, such a feature is indeed taught by at least Klosterman. Klosterman

teaches data stream being sent to a web browser or a personal computer (pc); see

column 4, lines 56-60, Klosterman. To send data to the web browser or personal

computer, a web/network is inherently required. In addition, it is further taught how the

transmission medium can be optical fiber (fiber optic), cable or telephone (all networks

and web mediums); see column 4, lines 45-47, Klosterman. After the show data (the

show data can be an advertisement) is sent to the browser/pc, the user is able to click

on the advertisement and is able to schedule a recording; see column 2, lines 14-17,

Klosterman. Klosterman's design allows the recording device to be a separate device

from the pc; see column 4, lines 56-60, Klosterman. Being a separate device, the

recording device must remotely receive the recording command from the web

browser/pc. Furthermore, Killian also teaches a record command being sent to the

recorder (equivalent to remote programming over a network); see column 2, lines 22-24,

Killian.

The fourth point of contention addressed by the applicant alleges that Klosterman

does not show selecting an advertisement of a program to record the program itself.

The examiner respectfully disagrees. Within at least Klosterman it is taught how a user

can click on an ad which results in the recording of the corresponding infomercial; see

column 2, lines 14-17, Klosterman. An infomercial is a program.

The fifth point of contention addressed by the applicant alleges that neither prior

art teaches "one-click programming". The examiner again respectfully disagrees. As

stated before, Klosterman teaches how a user can click on an ad which results in the

recording of the corresponding infomercial; see column 2, lines 14-17, Klosterman. This

method entails a user simply having to click on an ad once, and recording of the

associated broadcast/infomercial commences. This is a method of one-click

programming.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to AZIZUL CHOUDHURY whose telephone number is

(571)272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Krista Zele can be reached on (571) 272-7288. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. C./
Examiner, Art Unit 2453

/Krista M. Zele/
Supervisory Patent Examiner, Art Unit 2453